

## **EXHIBIT A**

**Jennifer Nigro**

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**From:** Jennifer Nigro  
**Sent:** Monday, March 29, 2010 12:00 PM  
**To:** 'Krishnan Chittur'  
**Cc:** Robert Lillenstein; astrutinskiy@chittur.com  
**Subject:** RE: Serin v. Northern Leasing

Krishnan: I cannot respond to this letter until you let us know one way or the other whether Plaintiffs will withdraw their motion to compel. Either we continue to meet and confer -- or Defendants file their opposition to Plaintiffs' motion. We are not going to do both. Your motion derailed the meet and confer, and failed to comply with Rule 37.2. I will ask you one more time if you intend to withdraw the motion in order to comply with the Local Rules and to demonstrate your commitment to resolving discovery issues in good faith. I cannot continue to indulge you in this back-and-forth - it's not productive.

Regards,

Jen Nigro

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**From:** Krishnan Chittur [mailto:[kchittur@chittur.com](mailto:kchittur@chittur.com)]  
**Sent:** Monday, March 29, 2010 10:53 AM  
**To:** Jennifer Nigro  
**Cc:** Robert Lillenstein; [astrutinskiy@chittur.com](mailto:astrutinskiy@chittur.com)  
**Subject:** Re: Serin v. Northern Leasing

Pl see attached. - *cc Exh. A-1*

On Thu, Mar 25, 2010 at 4:52 PM, Jennifer Nigro <[jnigro@mosessinger.com](mailto:jnigro@mosessinger.com)> wrote:

Krishnan: please respond to my two questions:

1. Do plaintiffs intend to withdraw their motion in light of Local Rule 37.2
2. Can you please provide alternate dates for plaintiffs' respective depositions

I don't see anything in the order that requires one side to be deposed before the other.

Please let me know your answer -- yes or no -- to the above inquiries so that we may proceed accordingly.

Regards,

Jen Nigro

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**From:** Krishnan Chittur [mailto:[kchittur@chittur.com](mailto:kchittur@chittur.com)]  
**Sent:** Thursday, March 25, 2010 4:20 PM  
**To:** Jennifer Nigro  
**Cc:** Robert Lillenstein; [astrutinskiy@chittur.com](mailto:astrutinskiy@chittur.com)

**Subject:** Re: Serin v. Northern Leasing

Jennifer:

The "meet and confer" was over on February 25, a month ago. You have not yet agreed to or even suggested revisions to the stipulation and order which was submitted to you based upon your own email several days ago, and have simply ignored our reminders. If Defendants are agreeable to producing additional items which are the subject of our letter, you just have to say so and that issue is moot. We are not interested in endless "meet and confers", as has happened - and is happening - in Gagoulas with respect to Defendant's production in response to the first document request served over a year ago.

Defendants have not yet produced the documents which you agreed to a month ago. Nevertheless, you demand specific dates for Plaintiffs' depositions? As you said, "first things first." We need to get Defendants' documents, and depose Defendants first; all our discovery notices were issued much before Defendants. Once those issues are addressed, we can provide dates for plaintiffs' depositions.

You may consider our letter request amended to seek a conference as a prelude to the order sought. Nevertheless, the discovery disputes remain and need to be resolved first.

I suggested a conference only to avoid further delay and avoidable waste of resources for both sides - the case is scheduled for trial in September.

Yours truly,  
K. Chittur, Esq.  
Chittur & Associates, P.C.  
286 Madison Avenue Suite 1100  
New York, New York 10017  
Tel: (212) 370-0447

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On Thu, Mar 25, 2010 at 3:39 PM, Jennifer Nigro <jnigro@mosessinger.com> wrote:

Krishnan: the appropriate course of action would be for plaintiffs to withdraw their motion, without prejudice; otherwise, plaintiffs are blatantly disregarding Rule 37.2. We are in the middle of a meet and confer, and we should endeavor to resolve the outstanding issues by a date certain. If there are still issues that we cannot resolve after that date, plaintiffs can request a pre-motion conference with Judge Gwin per Rule 37.2. Please let me know if plaintiffs intend to withdraw their motion, without prejudice, in light of Rule 37.2.

Also, I never heard from you or Mr. Strutinskiy on the issue of alternate dates for plaintiffs' respective depositions in light of your request for an additional 4 weeks to respond to defendants' discovery demands -- which were due on March 12th. Per my email to Mr. Strutinskiy, defendants are willing to extend plaintiffs' time to produce documents provided that counsel provide a list of dates on which each plaintiff will be available for deposition in New York, so that we may re-notice them accordingly. Mr. Strutinskiy said he would follow up -- but we have not received any information since then. Can you or Mr. Strutinskiy please provide us with alternate dates on which each plaintiff is available for deposition in New York.

Regards,

Jen Nigro

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**From:** Jennifer Nigro  
**Sent:** Wednesday, March 24, 2010 10:08 PM  
**To:** 'kchittur@chittur.com'  
**Cc:** Robert Lillenstein; 'astrutinskiy@chittur.com'  
**Subject:** Re: Serin v. Northern Leasing

Thank you for the response. Tomorrow may be difficult for me in terms of scheduling. Perhaps the appropriate thing to do would be to send a joint request for a teleconference to Judge Gwin tomorrow and follow up with his clerk re: the Judge's schedule. Let me confer with Rob Lillenstein on his schedule as well as he may want to be on the call.

Regards,

Jen Nigro

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**From:** Krishnan Chittur  
**To:** Jennifer Nigro  
**Cc:** Robert Lillenstein; Andrey Strutinskiy  
**Sent:** Wed Mar 24 21:27:33 2010  
**Subject:** Re: Serin v. Northern Leasing

Jennifer:

I had overlooked your second point. I'm amenable to a conference with the judge on the issues raised in our letter. That would also avoid both sides having to spend time and energy on additional briefing. If you're agreeable, we can find out the court's convenience for a conference tomorrow.

Yours truly,  
K. Chittur, Esq.  
Chittur & Associates, P.C.  
286 Madison Avenue Suite 1100  
New York, New York 10017  
Tel: (212) 370-0447

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On Thu, Mar 18, 2010 at 6:30 PM, Jennifer Nigro <[jnigro@mosessinger.com](mailto:jnigro@mosessinger.com)> wrote:

Krishnan: we are in receipt of Plaintiff's letter motion dated March 16th, which I understand was filed via ECF today. Two things -- we'd like to request additional time to respond to the motion -- specifically, on or before April 2nd. Second, I believe that the local rules for the SDNY -- 37.2 -- require the movant to request a conference with the judge before making any motions under FRCP 26 - 37 inclusive. Please let me know what you'd like to do with respect to the latter issue.

Regards,

Jen Nigro

**MOSES & SINGER LLP**

COUNSELORS AT LAW

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Yours truly,  
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## **EXHIBIT A-1**

# *Chittur & Associates, P.C.*

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March 29, 2010

Jennifer Nigro, Esq.  
Attorney at law  
Moses & Singer  
Chrysler Building  
405 Lexington Avenue  
New York, NY 10174-1299

*Re: Serin v. Northern Leasing*

Dear Ms. Nigro:

On February 25, 2010, you agreed to supplement Defendants' document production in certain respects. However, as of today, you have neither done so nor responded to the draft Stipulation and Order which we sent you about a fortnight ago. You have also not responded to our repeated reminders in this regard. Please let us have your responses to the following issues:

1. Do you intend to sign the Stipulation and Order? If so, when?
2. Do you intend to live upto your agreement of February 25, 2010, to produce additional documents? If so, when?
3. Would you please provide alternative dates for each defendant's deposition?

If you have any questions, please call me. Thank you very much.

Yours very truly,

Sd/-

Krishnan S. Chittur, Esq.  
Attorneys for Plaintiffs